

Tech Level Unit 2 From 6 January 2020 - this qualification is no longer available to new learner registrations



Title:	PRACTICAL LEGAL SKILLS
Level:	Level 3
Credit Value:	10
Guided Learning Hours	60

Learning outcomes	Assessment criteria	Knowledge, understanding and skills
The learner will:	The learner can:	
1. Understand the professional requirements of representing clients	1.1 Explain the regulatory framework of rules for conduct, practice and professional performance with reference to: <ul style="list-style-type: none"> • The CILEX Code of Conduct • The Solicitors Regulation Authority Code of Conduct 	1.1 The principles, outcomes and indicative behaviours contained within the SRA Code of Conduct ('SRACC') and CILEx Code of Conduct ('CILEx CC'); understanding of fundamental principles of Solicitors' Accounts Rules e.g. operation of office and client account; statutory regulatory framework in relation to provision of legal services; reserved activities; complaints procedure; consequences of failure to comply with requirements e.g. disciplinary consequences; role of key compliance officers e.g. COLP and COFA.
	1.2 Explain the requirements for client identification	1.2 Requirements of file opening procedures within context of organisation and the significance of legal and regulatory procedures e.g. conflict of interest search; meaning of and requirements for due diligence checks e.g. types of identity verification.
	1.3 Explain the need to guard against money laundering	1.3 Meaning of money laundering; content and purpose of statutory and regulatory provisions; e.g. Proceeds of Crime Act 2002 and Money Laundering Regulations 2007; knowledge, suspicion, reasonable grounds; disclosure requirements.

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	1.4 Explain conflict of interest	1.4 Definition of conflict of interest, distinguishing between conflicts between lawyer and client (i.e. 'own interest conflict') and conflicts between two or more clients (i.e. 'client conflicts'); identifying mandatory Principles, Outcomes and Indicative behaviours of SRACC and CILEx CC; exceptions to the general rule; appropriate systems and controls.
	1.5 Explain the requirement for a client care letter	1.5 Regulatory requirements and statutory regulations; what is meant by a retainer; identifying what information must be provided in writing at commencement of retainer e.g. complaints, costs information; other information to be provided as prescribed by SRACC, Provision of Services Regulations 2009 and Consumer Contracts Regulations 2013; specific requirements if providing financial services; practical application in drafting e.g. Law Society good practice note.
	1.6 Explain the requirements with regard to costs and funding	<p>1.6 Costs - understanding concept of chargeable and non-chargeable time; understanding the purpose of recording billable time and the need for accuracy e.g. ensuring that the client is only billed for work done that is reasonable and necessary, within agreed parameters and in accordance with the charging rate set out in the client care letter; understanding key requirements of SRACC e.g. Chapter 1.</p> <p>Funding - understanding range of options which may be available and suitability for client e.g. possibility of third party funding, Union backing, CFA, DBA, BTE insurance, private retainer; situations when opponent's costs might need to be met and funding options for that e.g. ATE insurance; understanding impact of costs reforms on costs in certain types of matter e.g. Qualified One-Way Costs Shifting in personal injury matters; making appropriate arrangements in line with legal and</p>

		regulatory requirements e.g. SRACC.
	1.7 Explain the duty of confidentiality	1.7 Identifying relevant mandatory Principles, Outcomes and Indicative behaviours of SRACC and CILEx CC; general rule; by whom and to whom duty owed and duration of duty; reconciliation of duty with duty of disclosure.
	1.8 Explain the concept of acting in the best interests of the client	1.8 Identifying relevant Principles and Outcomes of SRACC e.g. Principles 4 and 5; Chapter 1 client care; explaining practical application.
2. Understand the requirements of working in a professional legal environment	2.1 Explain how to operate within a professional legal environment with reference to: <ul style="list-style-type: none"> • professional ethics • level of service owed to clients • the duty of confidentiality • team-working • workplace etiquette • equality and diversity • telephone communication • written and electronic correspondence 	2.1 Understanding need to maintain standards and confidence in legal services with reference to honesty, independence and integrity; need to comply with regulatory provisions e.g. professional Codes of Conduct and statutory requirements e.g. Equality Act 2010 (equality and diversity, including disability), Data Protection Act 1988, UN Convention on disability rights; understanding workplace etiquette and principles of effective team-working and respect for others; appropriate conduct and appropriate methods to resolve conflict in the workplace; appropriate etiquette for verbal and written communications; need to maintain appropriate level of service to clients.
3. Understand the principles of legal research	3.1 Explain the purpose of legal research	3.1 Understanding requirement to inform and, by applying research to a matter, provide accurate up-to-date relevant advice; understanding consequences of failure to research e.g. implications on professional practice with reference to professional rules of conduct.
	3.2 Explain how to identify objectives	3.2 How to identify expectations and objectives of research e.g. its purpose and outcome in terms of relevant statutes, case law, practice and procedure; methods e.g. analysis of problem; reading documents; discussion with others, meeting with client; distinction between legal and non-legal objectives e.g. personal or commercial

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		concerns.
	3.3 Explain how to identify issues to be researched	3.3 How to identify principal issues e.g. gathering and assessing all material and relevant information to identify principal unknowns as to the statutes, case law, practice and procedure so that objectives can be achieved through research e.g. to answer what, how, when, whether etc.
	3.4 Identify how to use resources to undertake research	3.4 How to identify useful research resources relevant to issues and objectives; distinguishing between hard copy and electronic resources; identifying types and purpose of resources e.g. primary and secondary sources; understanding of legal and government sources databases e.g. LexisNexis, Halsbury's and Ministry of Justice website; advantages and disadvantages of resources.
	3.5 Explain how to assess sources for reliability and relevance	3.5 Understanding distinction between reliability and relevance of resources; factors indicating reliability; factors indicating relevance; steps to remedy concerns over reliability and/or relevance e.g. modification of search terms; corroboration of material.
	3.6 Explain how to find, read and use statutes and case law	3.6 Understanding how to find statutes and case law e.g. LexisNexis, Halsbury's Laws, www.legislation.gov.uk and how to skim read to condense material for use; how to interpret case law (<i>ratio decidendi</i> and <i>obiter dicta</i>); understanding how to ensure research is up-to-date; understanding how to use indexes for each different resource.
	3.7 Explain how to use research to address legal problems with reference to: <ul style="list-style-type: none"> • analysis • summarising • application • presentation 	3.7 Understanding how to analyse material e.g. statute, case law, practitioners' textbooks; evaluating material for relevance to problem e.g. similar facts or principles allowing sensible inference/conclusions; summarising material with reference to issues and objectives; applying material to address the issues and objectives; presenting combined research and advice in accessible format e.g.

		<p>setting out the facts, the issues, the objectives, summarising the law and applying the law and giving recommendations and advice e.g. options, solutions, advantages and disadvantages; style and format for presenting research dependent on recipient e.g. client or colleague; relevant legal, ethical and organisational procedures to ensure clear, concise and accurate record of the discussion, advice and instructions given.</p>
	3.8 Apply to a given situation the principles of legal research	3.8 Skills application of KUS 3.1-3.7 demonstrating knowledge and understanding.
4. Understand how to draft documents	<p>4.1 Explain how to draft a document with reference to:</p> <ul style="list-style-type: none"> • instructions • its purpose • its structure • its intended recipient • any formal requirements 	<p>4.1 Instructions - drafting document in accordance with instructions provided and within competence and authority</p> <p>Purpose - ensuring document meets its purpose in accordance with instructions e.g. letters, agreements, court documents; observing requirements for specific content to achieve purpose e.g. to record advice and instructions received, agreements, applications e.g. to court or Land Registry.</p> <p>Structure - logical setting out; drafting succinctly, chronologically and consistently; correct referencing to relevant documentation; using appendices and headings and sub-headings where appropriate;</p> <p>Intended recipient - understanding impact on tone and style e.g. the client, the opponent, other parties, the court; recognising different styles and impact e.g. formal and informal; understanding need for professionalism.</p> <p>Formal requirements - understanding that different areas of legal practice have prescribed forms for specific types of work e.g. court forms (civil and criminal), mortgages of land, transfers and other Land Registry forms, probate, family law, insolvency and company law;</p>

		understanding how to locate relevant forms e.g. Companies House, Justice website, court forms finder; impact of non-compliance and potential for claim for professional negligence.
	4.2 Explain how to ensure accuracy with reference to: <ul style="list-style-type: none"> • content • spelling • grammar 	4.2 Understanding need for accuracy and how to read document thoroughly and cross-check information to highlight errors and ambiguity; distinguishing between presentation errors and content errors e.g. as to facts, dates, names, law etc; understanding need for attention to presentation e.g. ensuring correct meaning and simplicity, avoiding unnecessary long or unusual words, adding explanation for technical words e.g. Latin or legal terms; using computer functions to carry out amendments for presentation or word-processing errors e.g. spelling, punctuation and formatting.
	4.3 Explain how to complete prescribed forms relevant to specific types of work	4.3 Understanding principles as to how to complete relevant forms e.g. ensuring up-to-date forms are used; reference to guidelines, accurate completion of all relevant sections.
	4.4 Apply to a given situation the ability to draft documents	4.4 Skills application of KUS 4.1-4.3 demonstrating knowledge and understanding.
5. Understand how to apply practical legal skills	5.1 Apply practical legal skills to situations that may arise in the professional legal environment.	5.1 Understanding how to apply practical legal skills and respond appropriately to a range of tasks likely to arise in a professional legal environment.

Additional information about the unit	
Unit aim(s)	The learner will develop key professional skills, values and understanding of working in the Legal Sector along with practical skills and knowledge of the requirements of individuals Legal roles.
Name of the organisation submitting the unit	CILEx (The Chartered Institute of Legal Executives)
Availability for use	Only available to owning awarding body

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Availability for delivery	1 September 2016
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